

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



| | | |
|-------------------------|---|----------------------|
| MSSI ACQUISITION, LLC |) | |
| d/b/a MSSI, LLC |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | 1:11cv1312 (LMB/IDD) |
| |) | |
| AZMAT CONSULTING, INC., |) | |
| <u>et al.</u> |) | |
| |) | |
| Defendants. |) | |

ORDER

On July 19, 2012, a magistrate judge issued a Report and Recommendation ("Report"), in which he recommended that a default judgment be entered jointly and severally against the defaulting defendants on Count 1 (the breach of contract claim) in the amount of \$100,000.00 plus pre and post-judgment interest. He also recommended that any further relief, including plaintiff's request for punitive damages on its fraudulent misrepresentation claim, be denied. The parties were advised that any objection to the Report had to be filed within fourteen days of receipt of the Report and that failure to file timely objections waived appellate review of a judgment based on the Report. As of August 12, 2012, no objections have been filed by any party.

Having reviewed the case file, plaintiff's Motion for Default Judgment and the Report, the Court finds that the

magistrate judge correctly determined that the court has subject matter jurisdiction over this civil action and personal jurisdiction over the defendants, and that venue in this district is appropriate. The Court also finds that the magistrate judge, after allowing the defendants to make a limited appearance to move to set aside the default which had been entered by the Clerk, correctly denied the defendants' motion.¹ Lastly, the Report's evaluation of the evidence and conclusion as to the appropriate damages are fully supported by the record. Accordingly, the Court adopts the findings and conclusions of the Report as its own and for the reasons contained in the Report, it is hereby

ORDERED that plaintiff's Motion for Default Judgment [Dkt. No. 13] be and is GRANTED IN PART and DENIED IN PART, and it is further

ORDERED that a default judgment as to Count 1 (breach of contract) in the amount of \$100,000.00 with pre-judgment interest at the Virginia statutory rate starting from December 30, 2008 and post-judgment interest at the prevailing federal rate be and is entered in plaintiff's favor against defendants Azmat Consulting, Inc. and Tariq Azmat, jointly and severally, and it is further


¹ Defendants have not appealed that decision.

ORDERED that all other claims in the complaint be and are
DISMISSED.

The Clerk is directed to enter judgment in plaintiff's
favor pursuant to Fed. R. Civ. P. 55(b)(2), forward copies of
this Order to counsel of record and to defendants at their
addresses of record, and to close this civil action.

Entered this 13th day of August, 2012.

Alexandria, Virginia

lsl 

Leonie M. Brinkema
United States District Judge